

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CARLOS TERRILL MAXWELL,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-93-D
)	
STATE OF OKLAHOMA and REESE LANE,)	
)	
Defendants.)	

ORDER

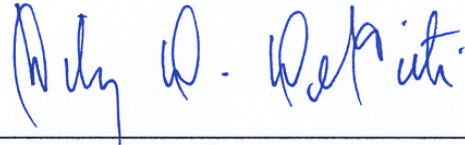
Plaintiff, a pretrial detainee appearing *pro se*, brought this action pursuant to 42 U. S. C. § 1983, alleging a violation of his civil rights. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings.

On May 15, 2013, the Magistrate Judge filed a Report and Recommendation [Doc. No. 25] in which she recommended that this action be dismissed without prejudice because Plaintiff failed to respond to a show cause order regarding his *in forma pauperis* status. As explained in detail in the Report and Recommendation, this Court's files reflect that, although he filed a sworn affidavit representing that he qualified for *in forma pauperis* status in this case, Plaintiff filed a separate lawsuit and paid the full filing fee, and these actions took place at approximately the same time. The Magistrate Judge then issued an order directing Plaintiff to show cause why this case should not be dismissed due to his apparent misrepresentations regarding his financial status. Plaintiff failed to respond, and the Report and Recommendation followed.

In the Report and Recommendation, the Magistrate Judge expressly advised Plaintiff of his right to file an objection, and she set a June 5, 2013 deadline for filing any objection. She also cautioned Plaintiff that his failure to timely object to the Report and Recommendation would constitute a waiver of his right to appellate review of the findings and conclusions set forth therein.

The June 5 deadline has expired, and Plaintiff has not filed an objection or sought an extension of time in which to do so. Accordingly, the Report and Recommendation [Doc. No. 25] is adopted as though fully set forth herein. This action is dismissed without prejudice.

IT IS SO ORDERED this 25th day of June, 2013.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE